



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/564,544

01/13/2006

Guy Moreillon

90500-000075/US

9475

30593

7590

02/27/2009

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. BOX 8910

RESTON, VA 20195

EXAMINER

SHOLEMAN, ABU S

ART UNIT

PAPER NUMBER

2437

MAIL DATE

DELIVERY MODE

02/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,544	Applicant(s) MOREILLON, GUY	
	Examiner ABU SHOLEMAN	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/13/2006 and 12/05/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 5-8, filed 12/29/08, with respect to the rejection(s) of claim(s) 1-11 under 35 U.S.C § 102(a) have been fully considered but are moot in view of the new ground(s) of rejection made in view of US patent no: 7062658 to Cheriton et al and US patent no: 6987854 to Maillard.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maillard (6987854) (hereinafter Maillard) in view of Cheriton et al (7062658) (hereinafter Cheriton).

As per claim 1, Maillard discloses "Method for creating and managing a local network, this network comprising at least on restitution device for an encrypted data stream and a diffusion and re-encrypted device for transmitting all or part of said encrypted data to said restitution device" as (on page 8, column 2, lines 10-24, encrypting control word with decoder and recording medium), "said devices comprising security modules" as (on page 9, column 4, lines 1-10, smart card used in TV decoder

Art Unit: 2437

systems), the method comprising the following steps, at an initializing stage:

“connecting a master security module in one of the device connected to the local network” as (on page 9, column 4 , lines 1-10, smart card is connected to TV), “establishing a network key by the master security module, and securely transmitting the network key to one or several user security modules attached to the devices, said devices being at least the diffusion and re-encrypting device and the restitution device, and while receiving an encrypted data stream” as (on page 8, column 2, lines 10-23, decoder received a second key from the portable support device[e.g. smart card]) : “ decrypting encrypted data by the diffusion and re-encrypting device” as (on page 8, column 2, lines 14-20, encrypted control word is decrypted by the decoder), “ re-encrypting the data by said diffusion and re-encrypting device with a local key, said local key being linked with the network key” as (on page 8, column 2, lines 14-24, the decrypted control word is re-encrypted with a second key[e. g . local key] which is from smart card), Maillard fails to disclose “ transmitting the re-encrypted data to the restitution device and “ decrypting by said restitution device thanks to the associated user security module, which comprises means to find the local key with the network key”.

However, Cheriton disclosed “transmitting the re-encrypted data to the restitution device “as (on page 12, column 12, lines 32-35, and Fig 6, send encrypted decoded digital content from set top-box to secure digital appliance) and “decrypting by said restitution device thanks to the associated user security module, which comprises means to find the local key with the network key” as (on page 12, column 12, lines 38-

44, and Fig 6, decrypt encrypted decoded digital content at secure digital appliance using session key).

Maillard and Cheriton are analogous arts because they are same field of endeavor of the method for protecting digital content.

Therefor, It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the teaching of Maillard by including a secure digital appliance that taught by Cheriton because it would provide more enhancement of protecting digital content (Cheriton , column 1, lines 52-53).

As per claim 2, Maillard in view of Chariton discloses all the limitations set forth above, Chariton discloses "wherein the local key is a randomly generated session key encrypted by the network key" as (on page 9, column 7, lines 61-67, column 8, lines 1-3, session initiation message with a first secret key is encrypted with the public key).

As per claim 3, Maillard in view of Chariton discloses all the limitations set forth above, Chariton discloses " where in the local key is the network key" as (on page 9, column 7, lines 65-67, column 8, lines 1-3, session key is the network).

As per claim 4, Maillard in view of Chariton discloses all the limitations set forth above, Chariton discloses "wherein the establishment of the network key is obtained by a pseudo-random generation of the network key during the initialization of the local network" as (on page 9, column 7, lines 61-65, session key is generated during session initiation message at network side).

As per claim 5, Maillard in view of Chariton discloses all the limitations set forth above, Maillard discloses " wherein the establishment of the network key is carried out

Art Unit: 2437

during an initialization step of the master security module” as (on page 8, column 2, lines 15-20, initial step of portable device with second key in the network).

As per claim 6, Maillard in view of Chariton discloses all the limitations set forth above, Maillard discloses “wherein the master security module is placed in a removable security module” as (on page 9, column 4, lines 1-10, Smart card is placed in TV).

As per claim 7, Maillard in view of Chariton discloses all the limitations set forth above, Maillard discloses “wherein said removable security module comprises a user module forming part of the network administrated by the master module” as (on page 9, column 4, lines 1-10, user can use smart card to decrypt digital content or can do any kind of functionality).

As per claim 8, Maillard in view of Chariton discloses all the limitations set forth above, Maillard discloses “ wherein the associated user security module in the form of an electronic circuit mounted during the manufacture of the restitution device” as (on page 9, column 4, lines 1-5, smart card is chip-based device is used in TV),

As per claim 9, Maillard in view of Chariton discloses all the limitations set forth above, Maillard discloses “ wherein the associated user security module is in the form of a removable security module” as (on page 9, column 4, lines 1-5, smart card is chip-based device is removable from TV),

As per claim 10, Maillard in view of Chariton discloses all the limitations set forth above, Chariton discloses “ where in the diffusion and re-encrypting device includes a security module , called converter module , said module receives and keeps and

Art Unit: 2437

identifier of the master security module that created the network, the converter module re-encrypting the data for said network” as (on page 10, column 10, lines 36-60, set – top box received an identification information that identifies a secure digital appliance and set-top box also encrypt the decoded digital content),

As per claim 11, Maillard in view of Chariton discloses all the limitations set forth above, Chariton discloses “where said identifier of the master security module is transmitted to a management center during a connection step to said management center” as (on page 11, column 11, lines 15-25, identification information from secure digital appliance send to a secure database that it is a management center for digital appliance),

Examiner Notes

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABU SHOLEMAN whose telephone number is (571)270-7314. The examiner can normally be reached on Mon-Thurs 7:30 am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2437

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S./

Examiner, Art Unit 2437

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437
